

**EVIDENCE — Authentication of documentary evidence, in general —**  
**Revised 3/2010**

Generally, guidelines established by the legislature and the courts govern the issue of authenticity or identification of documents to be offered in evidence. These guidelines do not set standards for the sufficiency of proof required for authenticity but rather suggest the type of evidence which may be used for such proof. *Houston-Hult v. State*, 843 P.2d 1262 (Alaska 1992). The final determination as to whether the proponent of an item of evidence has met the required burden rests within the sound discretion of the trial court judge. *State v. Riggs*, 186 Ariz. 573, 575, 925 P.2d 714, 716 (App. 1996), *vacated on other grounds by State v. Riggs*, 189 Ariz. 389, 942 P.2d 1159 (1997); *State v. Washington*, 132 Ariz. 429, 431, 646 P.2d 314, 316 (App. 1982).

In Arizona, the state rules of evidence are patterned after, and generally follow closely, the Federal Rules of Evidence. Before documents or other evidentiary items are admitted into evidence, a proponent must establish a foundation which allows the trier of fact to determine whether or not the item offered is likely to be as purported. *State v. Lavers*, 168 Ariz. 376, 386, 814 P.2d 333, 343 (1991). "The judge does not determine whether the evidence is authentic, but only whether evidence exists from which the jury could reasonably conclude that it is authentic." *Id.*, quoting *State v. Irving*, 165 Ariz. 219, 223, 797 P.2d 1237, 1241 (App.1990). "The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." *State v. Wooten*, 193 Ariz. 357, 366, ¶ 57, 972 P.2d 993, 1044 (App. 1998).

The authentication of documents and other evidence is governed in Arizona by our rules of evidence, Ariz. R. Evid. Rule 901 *et seq.* Rule 901 sets forth ten different examples of how particular items of evidence may be authenticated. Ariz. R. Evid. Rule 901 *et seq.* (These examples are not exclusive — that is, there are other ways that evidentiary items may be shown to be authentic.)